

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROBERT FRIEDMAN,

Plaintiff,

-against-

NORIBAR,

Defendant.

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ERIC KOMITEE, United States District Judge:

The Court has received Magistrate Judge Cho's Report and Recommendation (R&R) dated July 8. ECF No. 19. Judge Cho recommends that the Court deny Friedman's motion for default judgment, without prejudice, and dismiss the complaint with leave to amend. Neither party has filed objections and the time to do so has expired. Accordingly, the Court reviews Judge Cho's recommendation for clear error on the face of the record. See Fed. R. Civ. P. 72(b) advisory committee's note to 1983 addition; accord *State Farm Mut. Auto. Ins. Co. v. Grafman*, 968 F. Supp. 2d 480, 481 (E.D.N.Y. 2013).

Having reviewed the record, I find no error and therefore adopt the R&R in its entirety. Thus, Friedman's motion for default is denied without prejudice. His complaint is dismissed for failure to state a claim, with leave to amend.

MEMORANDUM & ORDER
23-cv-1121 (EK) (JRC)

Plaintiff shall have thirty days to file an amended complaint. He is advised that any amended complaint that fails to satisfy an element of the claim may be dismissed with prejudice. An amended complaint replaces the current complaint in its entirety, and therefore must include all claims and factual allegations against all defendants.

The Court also reiterates its earlier warnings, now for the fourth time, that it will not tolerate vexatious litigation. *See, Friedman v. Mendy's Restaurant*, No. 23-cv-1120, Memorandum & Order at 6, March 28, 2025, ECF No. 27; *Friedman v. Eshel Hotel*, No. 22-cv-980, Memorandum & Order at 6-7, March 28, 2025, ECF No. 22; *Friedman v. Sweet Expressions*, 24-cv-4024, ECF No. 5, July 24, 2025. Further frivolous filings following these warnings may result in the issuance of an order prohibiting Plaintiff from any future lawsuits in this Court without first obtaining leave of the Court.¹

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and, therefore, *in forma pauperis* status is denied for the purpose of an appeal. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

¹ The Court further notes that the allegations in the instant complaint closely parallel those the Court found frivolous, at times even after amendment, in *Friedman v. Chocolate Espresso Bar LLC*, No. 22-cv-1645; *Friedman v. Mendy's Restaurant*, No. 23-cv-1120; *Friedman v. Eshel Hotel*, 22-cv-980; and *Friedman v. Sweet Expressions*, 24-cv-4024.

The Clerk of Court is respectfully directed to mail Friedman a copy of this order.

SO ORDERED.

/s/ Eric Komitee
ERIC KOMITEE
United States District Judge

Dated: July 24, 2025
Brooklyn, New York